Secrt. II.27—40,006—20-12-38.

(1)

Home (1939) Department

Ms SERIES.

Yellow
G.O. No. 2362

Dated 28.4.1939

[Despatch Abstract.]

Courts - Civil - South Kanara district - Abolition of District Munsif's Court - Proposal dropped.

C.F. 30.

DEPARTMENT.

13065 E

Received ..... 19 . *Registered* 19

13. 4. 15.

ASSISTANT SECRETARY TO G
13 APR 19
HOME DEPARTMENT

Subject.

ENCLOSURES.
No. .....
.....
Spare copies .....

R.O.C. No. 1781/38 D-2.

Station Madras, *Dated the* 11th April 1939.

From (Name) Sri Rao Bahadur D. Appa Rao,
(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,
HOME Department.
(with enclosures).

Sir,

Courts - Civil - South Kanara district - abolition
Refce:- Correspondence ending with your letter No. Ms. 4432 Home Department dated 10-9-1938.

I am directed to forward a copy of letter No. Dis. 1393 dated 13-3-1939 and the enclosures thereto from the District Judge of South Kanara on the above subject, and to state that, having regard to the present state of work in the several District Munsifs' Courts in the district, the Hon'ble the Judges do not consider it possible to recommend the abolition of any District Munsif's Court

in the district.

I have the honour to be,

Sir,

Your most obedient Servant,

REGISTRAR

PR/

3

Dis No. 1393

Copy of letter from the District Judge, South Kanara, dated 13th March 1939 to the Registrar, High Court, Madras.

Refce:- High Court R.O.C. No.1781/38-D2 dated 20-9-38 calling for a report as to the possibility of the abolition of a Munsif's Court in South Kanara District.

--

With reference to the above, I have the honour to state that it was directed in the above reference that a report be submitted to the High Court in the course of this month as to the desirability of the abolition of a Munsif's Court in this District. In letter No.9739 E-1 of date 17-3-1938 of the Government of Madras, Home Department, it had been observed that the High Court might examine the question ~~question~~ of the abolition of a Court and when the reference was communicated to this Court an elaborate report was submitted in Dis. 2734 dated 16-4-1938 pointing out that it was not desirable to abolish any Munsif's Court in the district. Elaborate figures and facts were mentioned in this communication of this Court to the High Court and ultimately the High Court was pleased to call for a further report in the course of this month in R.O.C. No.1781/38 D2 of date 20-9-1938.

(letter not received)

2. It may at once be submitted that even at this date there is nothing in the nature of the pendency or the institutions in the several Munsifs' Courts in the district to justify the abolition of any of the Munsifs' Courts. An Additional Munsif's Court was working in the district for nine months from June 1937 and even after the working of an Additional Court for nine months the pendency of original suits in all the Munsifs' Courts taken together was, on 1-3-1939, 2606 as against 2677 on 31-12-1938 while on 31-12-37 the pendency was 2346. The pendency thus rose on 31-12-38 to 2677 from 2346 on 31-12-37 and the figure 2346 was the result of an additional Court having worked for nine month-

So soon after the additional Court was taken away the pendency had again risen substantially to 2677 on 31-12-1938.

3. The pendency of over one year old suits was on 31-12-1937, 779 and on 31-12-1938 it was 660 and on 1-3-1939 it was 676. The standard of outturn fixed for all the six Munsifs' Courts in the district is 1155 per year. Suits that have been pending for over a year are naturally heavy suits and it is not too much to take it that the number of over one year old suits which is much more than one half of the standard for an entire year would themselves need a year to dispose of. This would be in addition to the other current work and the total pendency on 1-3-1939 was 2606, so that 2606 minus 676 or 1930 would be suits less than one year old on 1-3-1939, which, in the course of the year, will be every day getting older and older.

4. The institutions themselves have not decreased; while in the year 1937 the institutions were 3185 - for all the six Munsifs' Courts taken together - they were in 1938 as much as 3330, so that there is no sign of a diminution in the number of institutions in the Courts.

5. As to small cause suits, the institutions in 1937 were 2859 while in 1938 it was as much as 3241. The institutions in 1937 and 1938 would work out an average for each Court of:-

Year.	O.S.	S.C.
1937.	531	477
1938	555	540

Even as had been mentioned in this Court's letter of date 15-4-1938, these figures are quite heavy enough for a single Court to handle.

6. A statement giving the necessary figures as to the institutions and the pendency is appended herewith.

7. In addition to the work of original suits and small cause suits, there is at present an enormous amount of work due to the Madras Agriculturists Relief Act and in all the Courts of the District Munsifs there were pending on 1-3-39, 498 petitions under the Madras Agriculturists Relief Act. All the Munsifs mention the fact that the disposal of these petitions does take substantial time each day. (The large number of appeals that Act is responsible for also bears it out). Thus, the figures as to institutions and the pendency at this date would make it impossible in the interests of the work of the several Courts and in the interests of the litigants to abolish any Court in the district.

8. I desire in this connection only to refer again to the considerations submitted in this Court's letter of date 15-4-1938 mentioning for instance the physical features of the district making it necessary to retain all the several Courts of the District Munsifs where they are at present situated. In my letter Dis. No.4432 dated 8-8-1938, I had requested that an Additional District Munsif's Court to work for six months may be sanctioned to relieve the congestion of old suits, especially in the Courts of Karkal and Kasaragod, where the numbers of over one year old suits on 1-3-1939 were 205 and 186 respectively.

I may mention that the Bar Association of Udipi waited on me in deputation on the 5th instant and pressed the points of view which had already been embodied by them in their printed memorial of date 2-4-1938 of which a copy had already been submitted along with this Court's letter No.2734 of date 15-4-1938.

List showing the institution, disposal and pendency of Original and Small Cause Suits for the years 1936 to 1938 and up to the end of - February 1939 in the Courts of the District Munsifs in the District of South Kanara.

Original Suits.

Names of Courts.	Year	Institution	Total for disposal	Disposed of: Contested.	Disposed of: Uncontested	Disposed of: Total	Pendency	Old suits	Standard outturn for each Court	
Dt.Munsif's Court, Coondapoor.	1936	527	883	234	333	567	316	92	225	
" Karkal.	"	677	1165	175	492	667	498	212	175	
" Kasargode.	"	863	1491	300	586	886	605	196	235	
" Mangalore.	"	460	904	115	287	402	502	267	190	
" Puttur.	"	583	936	251	367	618	318	49	185	
" Udipi	"	464	819	80	421	501	318	121	145	
Total. ...		3574	6198	1155	2486	3641	2557	937	1155	
" Coondapoor.	1937	399	748	172	255	427	321	120		
" Karkal.	"	658	1172	198	465	663	509	240		
" Kasargode.	"	748	1372	249	456	705	667	220		
" Mangalore.	"	425	934	309	292	601	333	87		
" Puttur.	"	432	767	239	268	507	260	68		
" Udipi.	"	523	913	203	454	657	256	44		
Total. ...		3185	5906	1370	2190	3560	2346	779		
" Coondapoor.	1938	540	868	226	291	517	351	90		
" Karkal.	"	690	1249	177	512*	689	560	197		*Includes 87 transferred to Udipi Court.
" Kasargode.	"	572	1227	262	299	561	666	200		
" Mangalore.	"	584	925	203	290	493	432	73		
" Puttur.	"	493	876	270	262	532	344	68		
" Udipi.	"	451	812	162	326	488	324	32		
Total. ...		3330	5957	1300	1980	3280	2677	660		
" Coondapoor.	1939	75	427	42	45	87	340	89		
" Karkal.	up to	84	648	33	63	96	552	205		
" Kasargode.	end of	87	753	56	51	107	646	186		
" Mangalore.	28-2-39	66	499	31	53	84	415	83		
" Puttur.	"	86	436	44	35	79	357	89		
" Udipi.	"	60	384	28	60	88	296	24		
Total. ...		458	3147	234	307	541	2606	676		

Small Cause Suits.

Dt. Munsif's Court, Coondapoor.	1936	748	902	127	604	731	171	106
" Karkal.	"	311	363	52	255	307	56	22
" Kasargode.	"	292	342	49	238	287	55	11
" Mangalore.	"	872	1007	118	718	836	171	57
" Puttur.	"	438	552	105	375	480	72	22
" Udipi.	"	691	820	56	641	697	123	38
Total. ...		3352	3986	507	2831	3338	648	256
" Coondapoor.	1937	573	753	118	543	661	92	6
" Karkal.	"	185	244	52	159	211	33	11
" Kasargode.	"	375	429	68	226	294	135	57
" Mangalore.	"	840	1210	200	825	1025	185	57
" Puttur.	"	329	405	71	291	362	43	7
" Udipi.	"	557	683	65	501	566	117	31
Total. ...		2859	3724	574	2545	3119	605	169
" Coondapoor.	1938	638	731	145	493	638	93	3
" Karkal.	"	294	339	34	224*	258	81	36
" Kasargode.	"	427	473	108	258	366	107	53
" Mangalore.	"	929	1127	108	676	784	343	179
" Puttur.	"	333	385	78	243	321	64	26
" Udipi.	"	620	738	74	527	601	137	33
		3241	3793	547	2421	2968	825	328
" Coondapoor.	1939 up to 28-2-39	131	224	16	73	89	135	12
" Karkal.	"	57	139	10	29	39	100	46
" Kasargode.	"	60	167	14	40	54	113	44
" Mangalore.	"	111	456	28	140	168	288	153
" Puttur.	"	52	117	7	31	38	79	33
" Udipi.	"	96	233	19	77	96	137	31
		507	1336	94	390	484	852	319

*Include 16 suit transferred to Original Side.

(Sd) P. Rajagopalan,

District Judge.

PR/

Home Department (E).

C.No.13065-E. From the High Court, R.O.C.No.1781/38-D2, dated 11th April 1939.

Courts - Civil - Abolition - South Kanara district.

A.S.

In connection with the question of the reduction of the number of civil courts in the South Kanara district, the Government tentatively decided in July last year that no court could be abolished in the district at that stage, but that the question of the abolition of one munsif's court might lie over for about six months and reconsidered thereafter with reference to the state of work then obtaining, and especially the extra work caused by the Debt Relief Act - please see the late H.M's. note on pp. 36-37 of G.O.4432, dated 10.9.38 and letter to High Court on p.39 ibid. The Hon. the Judges were therefore requested to forward a report to Govt. about April 1939, on the question of the possibility of abolishing a district munsif's court in the district.

2. Attention is solicited to the reply from the High Court at pp.1-2 c.f. and to the Dt. Judge's letter at pp.3-5 c.f. The Dt. Judge states that there is no justification for the abolition of any of the district munsifs' courts in the S. Kanara district. The reasons adduced in support of this opinion are as follow:--

(i) The pendency of original suits in all the D.M.Cs. taken together has increased in 1938 - from 2,346 on 31.12.37 to 2,677 on 31.12.38.- in spite of an additional officer working for 9 months from June 1937.

(2) The pendency of suits over one year old on 1.3.39, namely, 676 O.S., is much more than half the standard fixed for an entire year (1,155), and would require a full year to dispose of.

(3) There is no diminution in the number of institutions under O.S. in 1938.

(4) The institutions under small cause suits have increased in 1938.

(5) The work coming up before the court, in connection with the Madras Agriculturists Relief Act, takes substantial time of the courts each day.

(6) The physical features of the South Kanara district render it necessary to retain all the district munsifs' courts in their present location.

Therefore, in the interests of the work of the several courts and of the litigants, the Dt. Judge thinks it impossible to abolish any court in the district.

The Hon. the Judges do not consider that, in the present state of work in the district munsifs' courts in the S. Kanara district, it is possible to recommend the abolition of any of the district munsifs' courts. The following remarks are called for on the reasons given by the Dt. Judge:—

Reason (1): Taken together, the total pendency under Original Suits in all the D.M.Cs. in 1938 was 2,677 as against 2,346 in 1937. This increase is noticeable in all the D.M.Cs., except that at Mangalore, where, due to increased disposals in 1938, the

pendency has decreased. The pendency was 2,606 on 1.3.39 (more than on 31.12.37).

Reason (2): The following statement shows the pendency of one year old suits for all the D.M.Cs. at the different dates specified:-

Date.	One year old suits.
31.12.1937	779
31.12.1938	660
1.3.1939.	676

The standard outturn fixed for all the 6 D.M.Cs. is 1,155. Therefore, the pendency on 1.3.39 of 676 one year old suits represents more than half the standard.

Reason (3): The number of institutions in 1937 was 3,185. In 1938, the number increased to 3,330. This increase is noticeable only in three of the six D.M.Cs., viz., Mangalore, Coondapur and Karkal. In the other three courts, viz., Kasargod, Udipi and Puthur, institutions have decreased.

Reason (4): Under small cause suits, the institutions have increased from 2,859 in 1937 to 3,241 in 1938. This increase is noticeable only in two courts, viz., Mangalore and Kasargod.

Reason (5): The Dt. Judge states that 496 petitions under the Debt Relief Act were pending on 1.3.39 in all the courts together and that their disposal takes substantial time each day. These petitions have been characterised by the Secretary as "really heavy suits".

Reason (6): Attention is invited to para 5 of the Dt. Judge's letter at pp.9-10 of G.O.No.4432,

dated 10.9.1938, in which ~~the Dt.~~ the Judge has stated that the S. Kanara district is mountainous and ~~is~~ intersected with rivers, many of which have not been bridged. The rivers are stated to be practically impassable in the rainy season. He considers it a very great hardship to expect the litigants to cover long distances, especially during the monsooni weather, with rivers unbridged and in floods.

3. It may be pointed out here that, in view of the pendency in the district munsif's court, Karkal, and of the necessity for giving relief to that court, the Govt. have recently sanctioned the appointment of an additional district munsif to the court for a period of six months with effect from the date on which the court re-opens after its summer recess in 1939.

4. For orders whether, in the circumstances explained by the Dt. Judge and the High Court, the question of abolishing any one of the Dt. Munsifs' Courts in the S. Kanara district will be pursued.

AS. 24/4 crw 25/4

Please see the late Hon'ble note on pp 36-37 G.O. No. 4432 dt 10.9.38.

(M)

It will be observed from the statement on p 6-7 (c) that the institutions under O.S. etc increased from 3185 + 2859 in 1937 to 3330 + 3241 in 1938 respectively. The disposals however showed a decrease, especially in the Puttur District which is notoriously secluded

(Cp. Workmen's Comp. Act 657 & 688)

and this led to increased pendency.

3/ In view however of the complicated considerations, and the pending work under agri. Relief Act, the increased cases in the Dt. M.S' courts in the district and the fact that a temp. D. munsif has recently been sanctioned for the Karkal court to deal with the heavy arrears, the q. of abolishing any Dt. munsf's court in the S. Kanara dt. need not be pursued.

26/4

S

I agree. The letter (Pt 36 of (M)) said that only Udipi or Mangalore could be abolished, if any abolition were to be done, and he showed that, geographically, Mangalore cannot go, while Udipi's abolition would mean re-distribution to Karkal (inter alios) which could not bear the extra work.

26.4.39.

Sd (Law).

The communications are so difficult that Mangalore cannot go. So however we have had Sanction an additional munsif's court Karkal temporarily. In view of this the question of abolishing any of the Dt Munsif courts in South Kanara need not be pursued.

27/4/39

Draft letter sent.

27/4

27/4

* If Udipi is the abolished, Karkal will have to take more work & this it cannot in view of its already heavy pendency.

28/4/39

Home (E)

(C.13065 E)

Letter 236, dated 28-4-39
Mrs

courts – civil –
S. Kanara dt –
Abolition of a
dt. municipl court
– Proposal dropped.

To

The Hon'ble the
Chief Justice
High Court
Hon'ble Sir

courts – civil –
Dt. of S. Kanara –
Abolition of a district
municipl court – Mr.
Appaji Rao's letter R.D.C
No. 1781/38-D-2 & 11.4.39

Dpd. by Post / Messenger
Dpr.'s initials
Date 28-4-1939

I am to say
that in view of the
opinion expressed by
the Hon. the Judges,
the Govt. have decided
not to pursue
~~to change~~ the proposal
of abolishing any of the district
municipl courts in
the S. Kanara dt.

(orders on
p. 5 ante)

I have etc.

27/4

27/4